

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

RAYMOND CONWAY,)
)
Plaintiff,)
)
v.) CASE NO. 3:20-cv-794-JD
)
)
MR. SNIDER, et al.,)
)
Defendants.)

MOTION FOR EXTENSION OF TIME TO FILE DISMISSAL DOCUMENTS

Defendants, Joseph Schneider, Pamela Bane, Amber Suida, and Todd Marsh, by counsel, Gustavo A. Jimenez, respectfully file their Motion for Extension of Time to File Dismissal Documents by twenty-eight (28) days, up to and including March 10, 2023. In support, Defendants provide the following:

1. This case was settled at the January 1, 2023 Settlement Conference. (ECF 111)
2. The deadline for filing dismissal documents in this matter is February 10, 2023. *Id.*
3. This deadline has not passed.
4. This deadline has not previously been extended.
5. The settlement has now been approved by the Attorney General and the Indiana Governor pursuant to Indiana Law.¹
6. All that remains for the settlement to be complete is for the check to be issued and sent to Plaintiff.

¹ Only the Governor of the State of Indiana may settle claims against the State and its employees. Ind. Code §§ 4-6-2-11, 34-13-4-1. The Office of the Attorney General, pursuant to Ind. Code § 34-13-3-15, has sole authority to advise the Governor as to the desirability of compromising or settling this lawsuit and to perfect it once the Governor has approved the settlement.

7. Defendants respectfully request a twenty-eight (28) day extension of time to file dismissal documents, up to and including March 10, 2023.
8. This extension will allow the settlement check to be issued and for undersigned counsel to mail the check to the Indiana State Prison to be deposited into Mr. Conway's account.
9. Defendants make this motion in good faith, and not for undue delay in this litigation.
10. Plaintiff is an offender in the custody of the Indiana Department of Correction and is proceeding pro se in this matter and has not been contacted regarding this motion due to the administrative impracticability.

WHEREFORE, Defendants, by counsel, request a twenty-eight (28) day extension of time file their dismissal documents, up to and including March 10, 2023.

Respectfully submitted,

THEODORE E. ROKITA
Indiana Attorney General
Attorney No. 18857-49

Date: February 8, 2023

By: /s/ Gustavo A. Jimenez
Gustavo A. Jimenez
Deputy Attorney General
Atty. No. 35866-53
Office of the Indiana Attorney General
IGCS – 5th Floor
302 W. Washington Street
Indianapolis, IN 46204
Phone: (317) 234-2623
Fax: (317) 232-7979
Email: Gustavo.Jimenez@atg.in.gov

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that on February 8, 2023, I mailed, by United States Postal Service, first-class postage prepaid, the document to the following non CM/ECF participants:

Raymond E Conway
IDOC#: 261589
Indiana State Prison
One Park Row
Michigan City, IN 46360

/s/ Gustavo A. Jimenez
Gustavo A. Jimenez
Deputy Attorney General